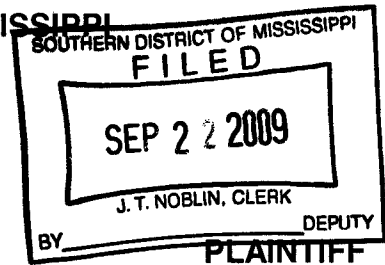


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION



CALVIN TAYLOR, INDIVIDUALLY,  
AND ON BEHALF OF ALL  
OTHER SIMILARLY SITUATED INDIVIDUALS

VS.

CAUSE NO. 3:09CV0573 HTW/LRA

EAST SIDE JERSEY DAIRY INC.

DEFENDANT

COMPLAINT

**JURY TRIAL DEMANDED**

**COMES NOW** Plaintiff by and through his attorneys, and files this Complaint on behalf of himself and all other similarly situated individuals against East Side Jersey Dairy, Inc. (hereinafter "Defendant"), pursuant to the Fair Labor Standards Act for unpaid overtime wages. The actions of Defendant constitutes a willful violation of the Fair Labor Standards Act.

PARTIES

1. Plaintiff, Calvin Taylor, is an adult resident citizen of Yazoo County, Mississippi who resides at: 154 Delta Circle, Yazoo City, Mississippi, 39194.

2. Defendant, East Side Jersey Dairy, Inc. ("Defendant") is a corporation in the State of Indiana with a principal place of business at 1100 N. Broadway, Carlinsville, IL 62626, and may be served with process through its registered agent, CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232

3. The Defendant falls within the definition of a covered employer as set out in Section 203 of the Fair Labor Standards Act.

### **JURISDICTION**

4. Jurisdiction of this civil action is conferred by Section 16(b) of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 216(b) and venue is proper in this Court.

### **FACTS**

5. Plaintiff and other similarly situated employees were employed with the Defendant in the past three (3) years as drivers for the Defendant.

6. As employees of the Defendant the Plaintiff and other similarly situated drivers normally had to work over forty (40) hours each week.

7. While employed as drivers the Plaintiff and other similarly situated drivers were paid on a flat daily rate plus commissions.

8. Plaintiff and other similarly situated supervisors were never compensated at a rate of one and one-half (1 ½ ) their hourly rate for overtime hours worked in each work week.

9. Plaintiff has attached to this Complaint as Exhibit "A" his consent to become party plaintiff.

### **COUNT I**

#### **VIOLATION OF THE FAIR LABOR STANDARDS ACT**

10. Plaintiff and other similarly situated drivers were non-exempt employees and subject to the provisions of the Fair Labor Standards Act as it pertains to whether or not Plaintiffs were entitled to minimum wage and overtime pay for all hours over

forty (40) hours worked in a given week.

11. The Fair Labor Standards Act requires that employees be paid an overtime premium at a rate not less than one and one-half ( $1 \frac{1}{2}$ ) times the regular rate at which they are employed for all hours in excess of forty (40) hours in a work week. 29 U.S.C. § 207(a).


12. Plaintiff and other similarly situated drivers have not been paid overtime compensation under the Fair Labor Standards Act at a rate of  $1 \frac{1}{2}$  their regular rate of pay.

13. The acts of the Defendant constitutes a willful intentional violation of the Fair Labor Standards Act.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands a judgment against the Defendant for all monies owed for the hours worked, overtime wages for all hours worked over forty (40), an additional equal amount or liquidated damages, attorney fees, and Court costs; an accounting for all state and federal taxes owed by the Defendant on behalf of the Plaintiff and other similarly situated drivers.

THIS, the 21<sup>st</sup> day of September, 2009.

Respectfully submitted,

By:   
LOUIS H. WATSON, JR. (MB#9053)  
NICK NORRIS (MB#101574)  
Attorneys for Plaintiff

OF COUNSEL:

LOUIS H. WATSON, JR., P.A.  
628 N. State Street  
Jackson, Mississippi 39202  
Telephone: (601) 968-0000  
Facsimile: (601) 968-0010

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CALVIN TAYLOR

PLAINTIFF

VS.

CAUSE NO. \_\_\_\_\_

EAST SIDE JERSEY DAIRY INC.

DEFENDANT

CONSENT TO BECOME PARTY PLAINTIFF

By my signature below, I represent to the Court that I have duly authorized the filing and prosecution of the above styled Fair Labor Standards Act action in my name.

Calvin Taylor  
SIGNATURE (Sign Your Name)

Calvin Taylor  
Print Name

154 Delta Circle  
Street Address

Yazoo City MS 39194  
City, State, Zip Code

ATTORNEYS FOR PLAINTIFFS:

Louis H. Watson, Jr., MB No. 9053  
Robert Nicholas Norris, MB No. 101574  
LOUIS H. WATSON, JR., P.A.  
628 N. State Street  
Jackson, MS 39202  
Telephone: (601) 968-0000  
Facsimile: (601) 968-0010